THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 16th October, 2006

W.P.No.22324 of 2002

Between:

M/s Sai Binny Rice Mill, represented by
Its proprietor – K. Ramesh Chandar and another. … Petitioner

and

The District Collector, Medak
and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in refusing the petitioners to transport levy rice freely without obtaining permission as arbitrary and illegal and consequently to direct the respondents to allow the petitioner to do business by transporting the levy rice without insisting for any permission.

It appears that the petitioners are rice millers and used to supply levy rice. As per the Andhra Pradesh Rice Procurement (Levy) Order,1984, they used to purchase the paddy from agriculturists as per Minimum Sale Price (MSP). This has to be verified by the Deputy Tahsildar, Civil Supplies and intimate the same to respondents 1 and 2 for the purpose of issuing certificates, as this is the procedure prescribed under the said Order. According to the petitioners, they have to supply levy rice to the 3rd respondent as per the targets fixed by the Commissioner of Civil Supplies. They have purchased the paddy from agriculturists and milled the same, but respondents 1 and 2 are not issuing certificates to supply the levy rice to the 3rd respondent on the ground that a criminal case was registered against them in Veldurthi Police Station alleging that some millers have manipulated the names bypassing the slips/typing their names in levy eligibility. There is no restriction under the Essential Commodities Act to supply rice by the millers. Therefore, the respondents cannot restrict the

petitioners for transporting levy rice freely. The action of respondents in not issuing certificates is wholly arbitrary and illegal.

A detailed counter affidavit has been filed by the 3rd respondent-Food Corporation of India stating that the Corporation was appointed as an Agent of Government of Andhra Pradesh by virtue of G.O.Rt.No.128, dated 16-10-2002 for procurement of rice under mill levy. According to Clause 18 of the Order, the millers shall be issued a certificate of purchase of paddy at MSP and based on this, certificate in the proforma prescribed will be issued to the miller/trader/farmer and the Corporation will accept the levy deliveries from individual millers/traders on production of MSP certificate issued by respondents 1 and 2. Respondent No.3 has nothing to do with the issuance of MSP certificates and these certificates are to be issued by respondents 1 and 2.

Heard both sides.

There is no necessity of going into all the details. May be, there is no restriction on the movement of rice in view of Removal of (Licensing Requirements, Stock Limits and Movement Restrictions) on specified Foodstuffs Order,2002, but that does not mean that the petitioners could escape from the delivery of mill levy. Therefore, it cannot be said that the petitioners shall be issued with certificates for the free movement of rice without verification as to the delivery of mill levy as required under the Levy Order of 1984.

In view of the above, respondents 1 and 2 are directed to issue certificates showing delivery of mill levy as and when mill levy is delivered by the petitioners as required under the Levy Order,1984. Thereafter, the petitioners are at liberty to sell or purchase the rice as they like, but if the mill levy is not delivered, respondents are not bound to issue any certificate.

With the above directions, the Writ Petition is disposed of. No order as to costs.

16-10-2006

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